

## **SEC. 431.7 -- DEVELOPMENT AND MAINTENANCE OF OFF STREET PARKING**

**FACILITIES** (As Amended by Ord. No. O-8788-27 -- January 12, 1988; O-8788-57 -- June 28, 1988; O-8889-41 -- April 11, 1989; O-9091-28 -- April 23, 1991; O-9899-26 -- March 23, 1999; O-0405-30 -- January 24, 2006; O-0506-62 -- July 25, 2006; O-1314-15 -- April 22, 2014)

### 1. Location of Off-Street Parking Spaces.

- (a) In a residential district, no part of a lot or tract shall be used as a parking space for a motor vehicle, boat, trailer, or other vehicle of equivalent or larger size, except upon an approved pavement surface which meets the requirements of this section. (O-0405-30; O-1314-15)
- (b) In a commercial district, no part of a lot or tract shall be used as a parking space for a motor vehicle, boat, trailer, or other vehicle of equivalent or larger size, except upon an approved pavement surface which meets the requirements of this section. Vehicle and equipment storage yards that are completely enclosed by an opaque fence are excepted from this requirement.

(O-1314-15)

- (c) Citations for illegal parking. Issuance. Whenever any vehicle without a driver is found parked or stopped in violation of the restriction imposed by this section, the inspector finding the vehicle shall take its registration number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a citation in writing on a form provided by the City for the owner of the vehicle to answer the charge against him/her within ten (10) days at the time and place specified in the citation; or, if the registration cannot be obtained, mail a notice letter to the property owner, tenant, or occupant of such location that such vehicle appears to be in violation of this section and that he has ten (10) days from the date of the notification and the posting of the property to relocate the vehicle onto a legal parking surface. If the vehicle is not moved to a legal parking surface within the specified time period, the inspector may issue a citation to the property owner. The inspector shall deliver copies of the citation to the Traffic Division of the Municipal Court.

(O-1314-15)

- (1) Administrative payment of citation. Any person may elect to pay a fine to the Court Clerk in lieu of appearing before the Municipal Court for formal arraignment.
  - [a] Persons electing to so administratively pay their fines, shall first file with the Court Clerk an appearance form, a guilty plea form, and a court appearance waiver form.
  - [b] Persons electing to so administratively pay their fines shall pay twenty dollars (\$20.00) per each violation.
- (2) Formal arraignment. Any person electing to appear before the Municipal Court for formal arraignment, shall be subject, upon conviction, to a fine of not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00) per each violation.
- (3) Failure to comply with citation. If the owner of the vehicle does not respond in obedience to a citation affixed to the vehicle within a period of ten (10) days, the citation shall be deemed to be delinquent and a warrant shall be issued. In the event that the citation is thereafter prosecuted in the Court, the citation shall substantially conform to the requirements of Section 14-307 of this Code. 162

### (d) Presumption in reference to illegal parking.

- (1) In any prosecution charging a violation of this section, proof that the vehicle described in the citation was parked in violation of this section, together with proof that the defendant named in the citation was at the time the citation was issued the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.